UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,774	05/25/2007	Craig Heath	042933/386085	1329

826   7590   04/27/2010
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
04/27/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/596,774
Filing Date: May 25, 2007
Appellant(s): HEATH ET AL.

Mark D. Simpson
Reg. No. 32,942
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 10, 2010 appealing from the Office

action mailed May 22, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2004/0205176	TING	10-2004
20030074552	OLKIN	4-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4 and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Ting et al. (US 2004/0205176).

Regarding Claims 1 and 4:

Ting discloses a method of operating a computing device ("Client" See fig. 1 ref.

no. 104 and paragraph 23) that in response to a request from a user to carry out an

operation using the device and for which the identity of the user is required to be

authenticated ("In response to a user's selection of an application and consequent

receipt of a login or other form-based screen, the invention fills in the information called

for by the screen and causes its transmission back to the server." See paragraph 6),

determining the time period since the identity of the user was last authenticated ("The

revocation or reauthentication can, for example, be initiated by one or more trigger

events. The trigger events can be stored in the user profile and can include broken

communications connection, expiration of a password, a changed password, the

passage of time, or a sequence of events at the client or in the application or both." See

paragraph 9), and enabling the requested operation by determining the type of

operation being requested by the user and enabling the operation only if the determined

time period is valid for the type of operation requested by the user ("Moreover, the

invention can facilitate the revocation of a user's access to one or more applications, or

require a user to reauthenticate their identity. The revocation or reauthentication can,

for example, be initiated by one or more trigger events." See paragraph 9).

Regarding Claims 2-3:

Ting discloses each application often requires a separate login procedure, including some form of personal identification such as a user ID, a password, a key sequence, or biometric authentication (See paragraph 2).

Regarding Claim 8:

Ting discloses companies may employ separate application for electronic mail, document control, financial applications, inventory management, manufacturing control, and engineering functions, in addition to overall network access (See paragraph 2).

Regarding Claims 9-11:

Ting discloses the client can be any computing device, for example, a personal computer, set top box, wireless mobile phone, handheld device, personal digital assistant, and kiosk (See paragraph 23).

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being obvious over Ting et al. (US 2004/0205176) in view of Olkin et al. (US 2003/0074552).

Ting discloses the above stated method of operating a computing device that revokes a user's access to one or more application of a period of time after the user has authenticated himself (See paragraphs 6-9).

Ting does not disclose the period of time is set by the user.

Olkin discloses a method permitting participants acting as the source or destinations for a message to securely communicate the message where suitable defaults can be provided for an encrypts subject setting, a cache password setting, a cache time setting, an expiration setting, and a maximum reads setting, but

sophisticated user or particular situation may merit changing these settings (See paragraphs 64-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method for operating a computing device discloses by Ting to include allowing sophisticated uses to change the period of time for access revocation such as that taught by Olkin in order to allow personalization of the method.

Regarding Claim 7:

The above stated combination of Ting and Olkin discloses the user profile can remain of the client machine after termination of a user session, or alternatively, can be erased upon termination of a user session (See Ting paragraph 9).

(10) Response to Argument

The Appellant argues:

That Ting does not teach "enabling the requested operation by determining the type of operation being requested by the user and enabling the operation only if the determined time period is valid for the type of operation being requested by the user."

The Examiner contends that Ting does teach enabling the requested operation by determining the type of operation being requested by the user and enabling the operation only if the determined time period is valid for the type of operation being requested by the user. The Appellant split the limitation into two separate arguments which the Examiner will consider in turn.

First, the Appellant argues that Ting does not teach determining the type of

operation being requested by the user. The Examiner contends that Ting does teach

determining the type of operation being requested by the user. Ting discloses a system

of controlling user access to computer applications (Ting: paragraph 0007). It

accomplishes this by storing a user profile on a server and this user profile information

is sent from the server to a client to grant access to one or more applications (Ting:

paragraph 0007). The user profile contains a set of user privileges and functionality

rights within one or more applications (Ting: paragraph 0011). Since this set of user

privileges and functionality are associated with an application, the user profile

determines an operation being requested by the user, whether it be merely accessing

an application, or accessing an application for a period of time (Ting: paragraph 0043).

The Examiner contends that in order for a trigger event, such as elapsed time within an

application, to require re-authentication, the operation (accessing an application) must

be determined (Ting: paragraph 0043), otherwise the trigger event would not be

effective in requiring the user to re-authenticate to gain access to that particular

application. Therefore, the Examiner contends that Ting does disclose determining the

type of operation being requested by the user.

Second, the Appellant argues that Ting does not teach enabling the operation

only if the determined time period is valid for the type of operation requested by the

user. The Examiner contends that Ting does teach enabling the operation only if the

determined time period is valid for the type of operation requested by the user. Ting

discloses that trigger events, such as the passage of time, can be stored in the user

profile (Ting: paragraph 0009) which contains a set of user privileges and functionality

rights within one or more applications (Ting: paragraph 0011). This passage of time

can be associated directly with the application by containing a trigger even which

depends on the passage of time within a particular application (Ting: paragraph 0043).

In order for the system to determine the passage of time within the particular

application, a particular operation (access to an application) must be determined.

Furthermore, the time period for access to that application must not have elapsed (time

period has to be valid) for access to be granted to that application (enabling the

operation) (Ting: paragraph 0043). Therefore, the Examiner contends that Ting does

disclose enabling the operation only if the determined time period is valid for the type of

operation requested by the user.

Finally, the Appellant argues that a Prima Facie case of obviousness has not

been established.

The Examiner contends that a prima facie case of obviousness does exist to

combine Ting with Olkin. Ting discloses a method to provide users access to

applications by providing a user profile (see Ting: Abstract). Ting provides that a time

period can be tracked for a user within an application, and that the user can be forced to

re-authenticate when the time expires (Ting: paragraph 0043). Olkin discloses a

system permitting users to set the time of expiration of a password, or a cache time

setting (Olkin: paragraph 0065, 0068). Olkin states that cache time setting works with

the cache password setting to control a maximum time that a password can be cached,

and therefore, adjust the security settings of the system (Olkin: paragraphs 0068-0069).

Therefore, the system of Ting could be adjusted to allow a user or administrator to set

the expiration time of the password or key to allow or disallow access to applications or

to force the user to re-authenticate to the system. Therefore, it would have been

obvious to one of ordinary skill in the art to combine Ting with Olkin to allow the security

of the system to be adjusted by controlling the maximum time which a password can be

cached (Olkin: paragraph 0068).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Kaveh Abrishamkar

Primary Examiner, AU 2431

/Kaveh Abrishamkar/

Conferees:

William Korzuch

/William R. Korzuch/

Supervisory Patent Examiner, Art Unit 2431

Christopher Revak

/Christopher A. Revak/

Primary Examiner, Art Unit 2431